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March 10, 2005

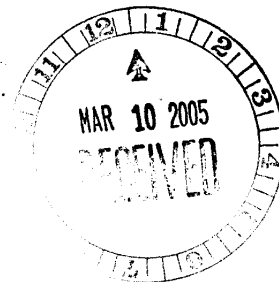
BY HAND

Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

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MAR 10 2005

Part of
Public Record



Re: *STB Docket No. 42069, Duke Energy Corporation v. Norfolk Southern Railway Company; STB Docket No. 42070, Duke Energy Corp. v. CSX Transportation, Inc.; and STB Docket No. 42072, Carolina Power & Light Co. v. Norfolk Southern Railway Co.*

Dear Secretary Williams:

Enclosed for filing on behalf of Defendants Norfolk Southern Railway Company ("NS") and CSX Transportation Inc. ("CSXT") in the above-referenced proceedings are the original and 10 copies of: (i) NS' Reply to Complainant Duke's First Motion to Compel Production of Documents Regarding Phasing in Docket No. 42069 (March 7, 2005); (ii) CSXT's Reply to Complainant Duke's First Motion to Compel Production of Documents in Docket No. 42070 (March 7, 2005); and (iii) NS' Reply to Complainant CP&L's First Motion to Compel Production of Documents Regarding Phasing in Docket No. 42072 (March 7, 2005). Also enclosed are three computer disks, each containing an electronic copy of one of the three Replies.

Please acknowledge receipt of these submissions for filing by date-stamping the enclosed duplicate paper copies and returning them with our messenger. If you have any questions concerning this filing, please contact the undersigned.

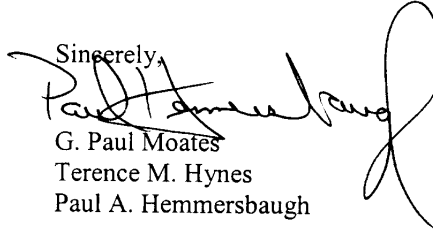
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WASHINGTON, D.C.

Honorable Vernon A. Williams
March 10, 2005
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Thank you for your attention to this matter.

Sincerely,

A large, stylized handwritten signature in black ink, which appears to be "Paul A. Hemmersbaugh". The signature is written over the typed names of the signatories.

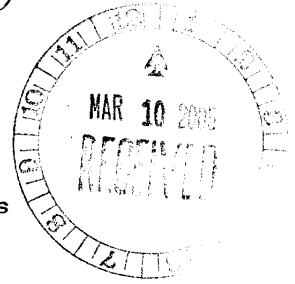
G. Paul Moates
Terence M. Hynes
Paul A. Hemmersbaugh

Enclosures

cc: Counsel for Complainants

BEFORE THE
SURFACE TRANSPORTATION BOARD

213 515



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Docket No. 42070

Duke Energy Corporation,,

Complainant,

vs.

CSX Transportation, Inc.,

Defendant.

**DEFENDANT CSX TRANSPORTATION, INC.'S REPLY TO COMPLAINANT'S
FIRST MOTION TO COMPEL PRODUCTION OF DOCUMENTS IN RESPONSE TO
PHASING REQUESTS**

Defendant CSX Transportation, Inc. ("CSXT") hereby submits its Reply to Complainant Duke Energy Corporation's ("Duke's") First Motion to Compel Production in Response to Phasing Requests ("Motion"). While CSXT has agreed to produce the contracts that are the subject of Duke's Motion if the Board orders their production¹, CSXT submits this brief Reply to emphasize that its transportation contracts with other coal shippers are not relevant to the proper subject matter of a phasing proceeding. CSXT fully reserves its right to object to the introduction into evidence or other use of those contracts in connection with this phasing proceeding.

CSXT's willingness to produce the subject contracts obviates any need for Duke to obtain access to other materials that would be far more burdensome to produce, extremely

¹ Many of the contracts have confidentiality or non-disclosure provisions that prohibit CSXT from producing them to a third-party unless ordered to do so by a court or government agency.

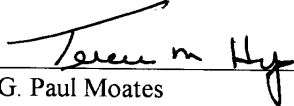
sensitive, or both. In particular, Duke has advised CSXT that it intends to move to compel CSXT to produce: (i) computerized traffic tapes and car movement records for four additional years, and (ii) revenue masking factors for the Carload Waybill Sample for the years 2001 through 2003. CSXT maintains that access to its coal transportation contracts and tariffs, in combination with the Carload Waybill Sample data that the Board has made available to Duke, makes it entirely unnecessary for Duke to obtain discovery of additional movement-specific traffic data, revenue masking factors and related materials.

Dated: March 10, 2005

Peter J. Shudtz
CSX Corporation
1331 Pennsylvania Ave., N.W.
Washington, D.C. 20004

Ellen M. Fitzsimmons
Paul R. Hitchcock
CSX Transportation, Inc.
500 Water Street
Jacksonville, Florida 32202
(904) 359-3100

Respectfully submitted,


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Paul A. Hemmersbaugh
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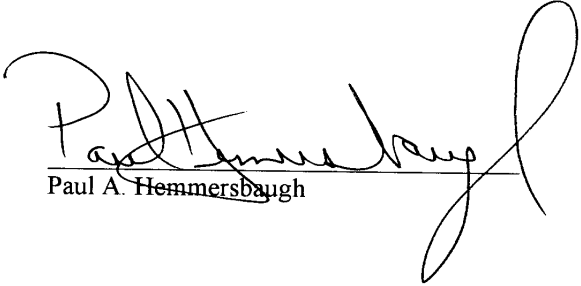
Counsel to Defendant CSX Transportation, Inc.

CERTIFICATE OF SERVICE

I certify that, on this 10th day of March, 2005, I served the foregoing Reply to
Complainant's First Motion to Compel Production of Documents in Response to Phasing
Requests, by causing copies thereof to be delivered to:

C. Michael Loftus
Slover & Loftus
1224 Seventeenth Street, N.W.
Washington, D.C. 20036
(*hand delivery*)

Paul R. Kinny
Duke Energy Corporation
422 S. Church Street
Charlotte, NC 28202
(*via FedEx*)



Paul A. Hemmersbaugh